

REMARKS

Support for weight percentages of items (a) through (e) and aromatic oil is found in applicants' Examples on pages 8-10 of the specification.

Support for newly added claim 13 is found in Examples 3-4 on pages 9-11 of the specification.

The inventors named in this application are the sole inventors of the claimed invention which is owned by mean assignment to ISP INVESTMENTS INC., a corporation of the State of Delaware in Wilmington.

The present microemulsion provides a biocidal microemulsion for the treatment of animals which has a longer shelf life than previously attainable.

A reference which fails to make obvious a claimed invention under 35 U.S.C. 103(a) cannot properly form the basis for a rejection under 35 U.S.C. 102(b).

The rejection of claims 1-9 and 11 under 35 U.S.C. 103(a) as unpatentable over Jon, (U.S. Patent 5,968,990) in view of the Procter & Gamble (P&G) publication WO 01/60961 A1, is respectfully traversed. The Table at column 2 of the Jon reference discloses all of the elements of the present composition with the exception of applicants' essential components (i) (e) and (iii), namely the aromatic oil and the alkaline buffering agent.

Jon et al employ an acidic buffer, i.e. thoxylated phosphate ester of Rhone Poulenc, only in compositions containing pyrethroid. When the later is absent, no buffer is used. Acidic compounds are not suitable buffers for acidic Amitraz or azo compounds and would destabilize these active biocides. The ethoxylated phosphate ester at col. 3, lines 1-2 is the only buffer disclosed in the patent. Applicants' alkaline buffers, namely the amine or Na, K or ammonium salt of a weak acid or phenol are not suggested. In summary, Patentees' buffer would be inoperable in applicants' system.

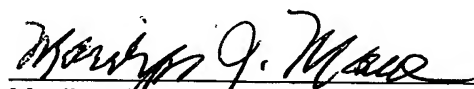
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The Procter & Gamble reference is employed to support the rejection under 103(a) although there is no teaching in either Jon or P&G which would lead one to interchange substitutions. The P&G reference is totally unrelated to microemulsions for the treatment of animals. Conversely, this reference is directed to the treatment of fabrics and the buffers disclosed therein are employed to stabilize siloxanes. Pages 5-8 of this publication presents a boilerplate disclosure listing thousands of buffers known in the art, of which more than 30% are acidic and more than 40% are toxic to animals. It is respectfully submitted that one would not consult P&G's teaching of fabric treatments to make substitutions of components in compositions employed for animal dips or sprays.

The Newton reference (U.S. Patent No. 5,547,918), is cited in combination with Jon et al. to support obviousness for Newton's disclosure of an oil component in a composition containing Amitraz. However, Newton is directed to suspensions of active components; not emulsions wherein the active component is dissolved. Secondly, only aliphatic oils are designated; not applicants' aromatic oil. Accordingly, patentees' suspension would not suggest additions or substitutions in the microemulsions of Jon et al. and the later reference provides no reason why one would add an oil, aliphatic or aromatic, to the Jon composition.

In view of the present amendment and the above discussion, it is believed that this application is now in condition for allowance, formal notice of which is most courteously solicited.

Respectfully submitted,



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